



Office of Emergency Management

Environmental Fact Sheet

Final Rule for Reportable Quantity Adjustments for Carbamates and Carbamate-Related Hazardous Waste Streams; Reportable Quantity Adjustment for Inorganic Chemical Manufacturing Process Waste (K178)

The U.S. Environmental Protection Agency (EPA) announces final reportable quantity (RQ) adjustments for 28 individual carbamates and five carbamate related hazardous waste streams originally listed as hazardous wastes under the Resource Conservation and Recovery Act (RCRA), and as hazardous substances with one-pound statutory RQs under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). In addition, EPA announces the adjustment of the one-pound statutory RQ of another hazardous waste stream, K178, which is unrelated to the carbamates addressed in this rule.

Background

On November 8, 1984, Congress amended RCRA by enacting the Hazardous and Solid Waste Amendments of 1984 (HSWA). In one provision of HSWA – a newly added RCRA section 3001(e)(2) -- Congress directed EPA to determine whether several wastes, including wastes generated from carbamate production, should be listed as RCRA hazardous wastes. Carbamates are widely used as active ingredients in pesticides, herbicides, insecticides, and fungicides, and in synthetic rubber production.

Based on EPA's evaluation of the carbamate production wastes, the Agency published a final rule on February 9, 1995 (60 FR 7824), listing 58 individual carbamates and six carbamate-related hazardous waste streams as RCRA hazardous wastes.

On November 1, 1996, the Court of Appeals (D.C. Circuit) ruled that EPA failed to follow proper rulemaking procedures in making some of the carbamate listing determinations in the February 9, 1995, rule. [*Dithiocarbamate Task Force v. EPA*, 98 F.3d 1394 (D.C. Cir. 1996).] The court vacated the RCRA hazardous waste and CERCLA hazardous substance listings for 24 of the 58 individual carbamates and one of the six carbamate-related hazardous waste streams (K160). Under the court's decision, the vacated carbamate listings are to be treated as though they had never been in effect. The court's ruling, however, did not change the February 9, 1995, listing of the 34 remaining individual carbamates as RCRA hazardous wastes; that listing remains in effect. EPA had previously listed six of the individual carbamates as CERCLA hazardous substances and assigned them an adjusted RQ. Upon the effective date of the February 1995 rule, the 28 remaining individual carbamates and five carbamate-related hazardous waste streams became hazardous substances pursuant to CERCLA section 101(14)(C) and, under CERCLA section 102(b), these substances automatically received one-pound RQs.

On September 14, 2000, EPA published a proposed rule to list three waste streams from inorganic chemical manufacturing processes as RCRA hazardous wastes and as CERCLA hazardous substances (65 FR 55684). In that rule, EPA proposed to adjust the one-pound statutory RQs for two of the three waste streams, K176 and K177. For the third waste stream, K178, EPA identified two hazardous constituents: thallium, which is a CERCLA hazardous substance with a 1,000-pound RQ; and manganese, which does not appear on the CERCLA hazardous substance list in 40 CFR 302.4 and, therefore, has not been assigned an RQ. Because EPA had not yet developed an RQ for manganese at that time, EPA did not propose to adjust the RQ for K178 in the September 14, 2000, proposed rule. The court-ordered schedule for the hazardous waste listing provided no flexibility to address those issues fully before finalizing the listing. The final hazardous waste listing for K178 is therefore based solely on thallium.

Summary

The Agency is adjusting the statutory one-pound RQs for the 28 carbamates and six hazardous waste streams (including K178) based on criteria that relate to the possibility of harm from the release of each hazardous substance into the environment. EPA will revise the List of Hazardous Substances and Reportable Quantities (Table 302.4 of 40 CFR 302.4) to reflect these final changes and other, conforming final changes, in this final rule. Eleven of the 28 individual carbamates are

also EPCRA section 302 extremely hazardous substances (EHSs); therefore, the RQ adjustments for these 11 carbamates and other conforming changes are final for the list of EHSs (40 CFR part 355).

For More Information

The *Federal Register Notices* for the final rule and this fact sheet are available in electronic format on the Internet at <http://www.regulations.gov> and <http://www.epa.gov>. There are two dockets: EPA-HQ-SFUND-2002-0010 and EPA-HQ-SFUND-2002-0011. To order copies of this document, call the Superfund Docket, weekdays, 9:00 a.m. to 4:00 p.m. Callers within the Washington Metropolitan Area must dial 202-566-0270. Long-distance callers may call 1-800-424-9346 or TDD 1-800-553-7672. Write to the Docket Coordinator, Superfund Docket Office, Mail Code 5303T, U.S. Environmental Protection Agency Headquarters, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. Address e-mail to superfund.docket@epa.gov.